

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA

vs.

(1) ERNESTO GUTIERREZ-MARTINEZ

§
§
§
§
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NO: SA:18-CR-00722(1)-OLG

ORDER GRANTING CONTINUANCE
AND AMENDING SCHEDULING ORDER

The matters before the court is Defendant's Unopposed Motion for Continuance filed *Friday, May 31, 2019 [dkt. #62]*, after reviewing the motion, it is the opinion of the Court that the motion should be granted and that the trial in this case should be and is continued.

The Court further finds that the period between *Tuesday, June 18, 2019 and Monday, August 19, 2019*, is a reasonable period of necessary delay to allow counsel time for preparation for trial and further finds that such period shall be excluded from the time within which the defendant must be brought to trial and that the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial under the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(7)(A).

This case shall proceed on the following amended schedules:

Pursuant to Federal Rules of Criminal Procedure 11(c) and the holding of the Fifth

Circuit Court of Appeals in United States of America v. Ellis, 547 F.2d 863 (5th Cir. 1977), the ***deadline*** for notifying the Court of any ***plea bargain*** or ***plea agreement*** entered into by the parties in this cause is *Thursday, August 08, 2019*.

The Court will not accept a plea agreement after the aforementioned deadline.

Should a plea agreement be reached and filed in this case and absent written objection filed contemporaneously therewith, this case will be referred to a United States Magistrate Judge for the purpose of administering the plea of guilty and the Fed. R. Crim. P. 11 allocution, subject to final approval and the imposition of sentence by the United States District Court.

PRETRIAL MATTERS

Motions in Limine shall be filed on *Thursday, July 25, 2019*.

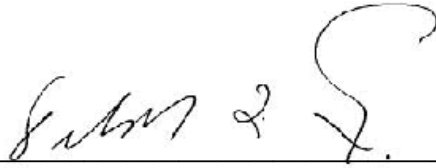
Responses to motions in limine shall be filed on *Thursday, August 08, 2019*.

Jury selection and trial are reset for *Monday, August 19, 2019 at 9:30 a.m. in Courtroom Number One, on the First Floor of the, John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Blvd., San Antonio, Texas*.

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this order to counsel for the defendant, the United States Attorney, the United States Pretrial Services and the United States Probation Office. ***Counsel for the defendant shall also notify the defendant of this schedule*** and advise the defendant that he must be present for all court proceedings unless excused by the

Court.

Signed this 3rd day of June, 2019

A handwritten signature in black ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA
CHIEF U.S. DISTRICT JUDGE